

**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

273-0414

MassDEP File #

eDEP Transaction #

Rockland

City/Town

**A. General Information**

**Please note:**  
 this form has  
 been modified  
 with added  
 space to  
 accommodate  
 the Registry  
 of Deeds  
 Requirements

**Important:**  
 When filling  
 out forms on  
 the  
 computer,  
 use only the  
 tab key to  
 move your  
 cursor - do  
 not use the  
 return key.

1. From: Rockland  
Conservation Commission

2. This issuance is for  
 (check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

Richard

a. First Name

Lincoln

b. Last Name

Shinglemill LLC

c. Organization

4 First Street

d. Mailing Address

Bridgewater

e. City/Town

MA

f. State

02370

g. Zip Code

4. Property Owner (if different from applicant):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

0 Pond Street

a. Street Address

Rockland

b. City/Town

Maps 9 & 10

c. Assessors Map/Plat Number

Plots 13 & 68

d. Parcel/Lot Number

Latitude and Longitude, if known:

42d9m45s

d. Latitude

-70d53m40s

e. Longitude



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**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Plymouth

a. County

52044 & 51016

c. Book

b. Certificate Number (if registered land)

229 & 303

d. Page

7. Dates: February 19, 2021 May 11, 2021

a. Date Notice of Intent Filed

b. Date Public Hearing Closed

c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

See Attachment A.

a. Plan Title

b. Prepared By

c. Signed and Stamped by

d. Final Revision Date

e. Scale

See Attachment A.

f. Additional Plan or Document Title

g. Date

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. ☒ Public Water Supply b. ☐ Land Containing Shellfish c. ☒ Prevention of Pollution  
d. ☒ Private Water Supply e. ☒ Fisheries f. ☒ Protection of Wildlife Habitat  
g. ☒ Groundwater Supply h. ☒ Storm Damage Prevention i. ☒ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved** subject to:

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



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**B. Findings (cont.)**

**Denied because:**

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a)                      a. linear feet

**Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)**

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u>                    </u> a. linear feet	<u>                    </u> b. linear feet	<u>                    </u> c. linear feet	<u>                    </u> d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	<u>4 (Temp)</u> a. square feet	<u>4 (Temp)</u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
	<u>                    </u> e. c/y dredged	<u>                    </u> f. c/y dredged		
7. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	<u>4 (Temp)</u> a. square feet	<u>4 (Temp)</u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
Cubic Feet Flood Storage	<u>                    </u> e. cubic feet	<u>                    </u> f. cubic feet	<u>                    </u> g. cubic feet	<u>                    </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
Cubic Feet Flood Storage	<u>                    </u> c. cubic feet	<u>                    </u> d. cubic feet	<u>                    </u> e. cubic feet	<u>                    </u> f. cubic feet
9. <input type="checkbox"/> Riverfront Area	<u>                    </u> a. total sq. feet	<u>                    </u> b. total sq. feet		
Sq ft within 100 ft	<u>                    </u> c. square feet	<u>                    </u> d. square feet	<u>                    </u> e. square feet	<u>                    </u> f. square feet
Sq ft between 100-200 ft	<u>                    </u> g. square feet	<u>                    </u> h. square feet	<u>                    </u> i. square feet	<u>                    </u> j. square feet



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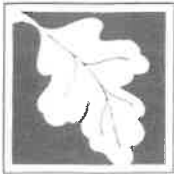
Rockland

City/Town

**B. Findings (cont.)**

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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**B. Findings (cont.)**

\* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

**C. General Conditions Under Massachusetts Wetlands Protection Act**

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances; bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. The work is a maintenance dredging project as provided for in the Act; or
  - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on \_\_\_\_\_ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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**C. General Conditions Under Massachusetts Wetlands Protection Act**

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
 

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]

"File Number            273-0414            "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
  - (1) ☐ is subject to the Massachusetts Stormwater Standards
  - (2) ☒ is NOT subject to the Massachusetts Stormwater Standards

**If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
  - i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
  - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
  - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

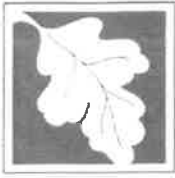
i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- g) The responsible party shall:
  - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

**See Attachment B.**

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The Rockland Conservation Commission hereby finds (check one that applies):
  - a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:
 

1. Municipal Ordinance or Bylaw	2. Citation
Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.	
  - b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:
 

Rockland Wetlands Protection Bylaw	Chapter 407
1. Municipal Ordinance or Bylaw	2. Citation
3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.  
The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See Attachment B.



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**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

6/8/21  
1. Date of Issuance

1  
2. Number of Signers

on behalf of a unanimous vote

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

Date

Date



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### **F. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



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## G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Rockland

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Rockland

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



**Massachusetts Department of Environmental Protection**  
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DEP File Number: \_\_\_\_\_

**Request for Departmental Action Fee  
Transmittal Form**

Provided by DEP \_\_\_\_\_

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. Request Information**

1. Location of Project

a. Street Address \_\_\_\_\_

b. City/Town, Zip \_\_\_\_\_

c. Check number \_\_\_\_\_

d. Fee amount \_\_\_\_\_

2. Person or party making request (if appropriate, name the citizen group's representative):

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City/Town \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number (if applicable) \_\_\_\_\_

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City/Town \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number (if applicable) \_\_\_\_\_

4. DEP File Number: \_\_\_\_\_

**Important:**  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**B. Instructions**

1. When the Departmental action request is for (check one):

- ☐ Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- ☐ Superseding Determination of Applicability – Fee: \$120
- ☐ Superseding Order of Resource Area Delineation – Fee: \$120



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

DEP File Number: \_\_\_\_\_

**Request for Departmental Action Fee  
Transmittal Form**

Provided by DEP \_\_\_\_\_

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Instructions (cont.)**

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

ROCKLAND CONSERVATION COMMISSION  
ORDER OF CONDITIONS  
0 Pond Street  
Rockland, MA  
DEP File No. 273-0414

**ATTACHMENT A – PERMIT PLANS AND DOCUMENTS**

**Applicant Submittals**

- *Notice of Intent - Filed under: MGL CH. 131 S. 40 for Shinglemill Apartments, 75-79 Pond Street, Rockland, Massachusetts*; prepared for Shinglemill LLC by Coneco Engineers & Scientists; dated February 18, 2021.
- *Shinglemill Apartments 75-79 Pond Street Rockland, MA 02370 Existing Conditions Plans*; prepared for Shinglemill LLC by Coneco Engineers & Scientists; dated June 6, 2019; revised through March 24, 2021; sheets 1-4.
  - Sheet 1 stamped and signed by Timothy S. Bodah, MA P.L.S. No. 46110.
- *Response to March 8, 2021 Peer Review Comment Letter from BETA*; prepared by Coneco Engineers & Scientists; dated April 12, 2021.
- *Waiver of the 21 day OOC issuance period*; sent via email by Michael J. Toohill (mtoohill@coneco.com); dated May 11, 2021.
- *Re: Rockland – Public Water Supply Shinglemill Development BRP WS 13, Request for Site Exam/Pump Test Proposal Transmittal No. X283798*; prepared by the Massachusetts Department of Environmental Protection; dated October 30, 2019; signed by Richard J. Rondeau, Drinking Water Program Chief.

**Peer Review Submittals**

- *Notice of Intent – Peer Review Well Pump Test – 0 Pond Street DEP File No. 273-0414*; prepared by BETA Group, Inc.; dated March 8, 2021; signed by Marta J. Nover and Laura Krause.

ROCKLAND CONSERVATION COMMISSION  
ORDER OF CONDITIONS  
0 Pond Street  
Rockland, MA  
DEP File No. 273-0414

**ATTACHMENT B – FINDINGS OF FACT AND SPECIAL CONDITIONS**

**Findings of Fact:**

A Notice of Intent (NOI) was filed with the Rockland Conservation Commission (RCC) by Coneco Engineers & Scientists (Coneco) on behalf of Shinglemill LLC on February 19, 2021 pursuant to the Massachusetts Wetlands Protection Act (M.G.L. ch.131 s.40) and its Regulations (the Act) as well as the Town of Rockland Wetlands Protection Bylaw (Chapter 407) (the Bylaw). The RCC voted to close the public hearing on May 11, 2021. On the same night, Michael Toohill of Coneco Engineers sent an email to the RCC stating that the Applicant agrees to waive the requirement of the RCC to issue the Order of Conditions (OOC) within 21 days of closing the public hearing, with the understanding that the OOC would be reviewed and discussed at the June 8, 2021 public meeting.

The parcel of land subject to this OOC is located off Pond Street in Rockland and is identified by the Rockland Assessors as Parcels 9-13 and 10-68 (the Site). The 23.64±-acre Site is bounded to the north by commercial development, to the west by undeveloped woodland, and to the south and east by residential development. The Site generally consists of an unimproved dirt road that provides entrance and egress to/from Pond Street, culverts conveying intermittent streams under the aforesaid road, and a cleared area within the central portion of the Site. Over half of the Site consists of Bordering Vegetated Wetlands (BVWs) as well as their associated interior intermittent stream channels and Vernal Pools. The following Resource Areas Subject to Protection under the Act and the Bylaw are known to be present at the Site:

- BVW;
- Bank;
- Bordering Land Subject to Flooding (BLSF);
- Vernal Pool (including NHESP Certified Vernal Pool #7720); and
- Buffer Zone.

The Resource Areas listed above shall not be construed or otherwise interpreted as a legally binding list or approved boundaries of Areas Subject to Protection and Jurisdiction under the Act and the Bylaw. This OOC does not preclude the RCC's ability to review and dispute the Resource and Critical Areas present at the Site through the proceedings associated with other application filings, including but not limited to: the presence of streams (as defined in the Act and the Bylaw) and their Bank boundaries, the perennial vs. intermittent status of streams, the extent of the Zone A at the Site (based on engineering calculations), and the presence and boundaries of Vernal Pools (as defined in the Act and the Bylaw). The exception to this finding is the boundary of BVW, which was previously approved through an Order of Resource Area Delineation (ORAD) issued on October 23, 2018 under DEP File No. 273-0399. The ORAD specifically states that the associated Abbreviated Notice of Resource Area Delineation (ANRAD) was filed solely for the confirmation of BVW boundaries.

The Site is largely mapped as a Zone A Surface Water Protection Area, and entirely mapped as Zone B. In addition, the entirety of the Site is mapped as an Outstanding Resource Water associated with a public water supply watershed. To that end, the RCC finds that the onsite BVW complexes and interior stream systems are critical to the protection of public water supply.

Work approved by this OOC consists of the execution of the installation of monitoring devices and a 48-hour pump test of three (3) new exploratory bedrock wells that were installed at the Site in April 2019 and January 2020 (the Project). This work is being performed in conjunction with efforts to permit a residential development at the Site, currently before the RCC under DEP File No. 273-0408. The Project will consist of the following:

- Installation of three (3) staff gauges/piezometers within BVW, BLSF, and Bylaw Vernal Pool;
- Placement of well discharge lines within the Buffer Zone to BVW; and,
- The discharge of well water outside of the Buffer Zone.

The Project will result in minor impacts to BVW, Vernal Pool, and BLSF resulting from hand-driving the staff gauges/piezometers into the ground. The purpose of the Project is to monitor any drawdown effect that the wells may have on the on-site surface waters as well as test the groundwater/discharged water for contaminants, all in accordance with the letter of approval issued by the Massachusetts Department of Environmental Protection (MassDEP) on October 30, 2019.

**The following Special Conditions shall be adhered to in order to ensure compliance with the provisions of the Act and the Bylaw:**

**A. General**

1. This project is approved under M.G.L. c. 131 § 40 and its Regulations and the Town of Rockland Wetlands Protection Bylaw.
2. This document shall be included by reference in all contracts, plans and bid specifications dealing with the activity that is the subject of this OOC, and that are created or modified after the issuance date of this OOC. This OOC supersedes any conflicting contractual arrangements, plans or specifications.
3. The applicant shall provide a copy of this OOC to the person or persons supervising the activity that is the subject of this OOC and will be responsible for ensuring that all persons performing the permitted activity are fully aware of the terms and conditions of this OOC.
4. Any person performing work on the activity that is the subject of this OOC is individually responsible for understanding and complying with the requirements of this OOC; the Wetlands Protection Act, M.G.L. Chapter 131, Section 40; its Regulations, 310 CMR 10.00; and any other local, state or federal environmental laws and regulations.
5. The Applicant shall fund an outside consultant selected by the RCC to provide technical support to the RCC and monitor the pump tests in the field.
6. The RCC, its employees, and its agents shall have a right of entry to inspect for compliance with the terms of the OOC.

**B. Prior to Pump Test**

1. Prior to the commencement of any construction activities at the Site, the Applicant shall hold an onsite preconstruction meeting with the RCC and/or their representative on a mutually agreeable date and time.
2. This OOC must be recorded at the Plymouth County Registry of Deeds. Proof of recording shall be furnished to the RCC and/or their representative at or before the preconstruction meeting.

3. The contractor shall display the Department of Environmental Protection (DEP) file number for this OOC on a sign with minimum dimensions of three (3) square feet that is clearly visible from the street. The sign shall remain in place and visible until a Certificate of Compliance (COC) is issued for the project.
4. The applicant shall notify the RCC in writing of the name, address and business telephone numbers of the project supervisor or contractor who shall be responsible for ensuring compliance with the conditions of this Order.
5. The RCC must be notified at least one (1) week in advance of the commencement of the pump tests.
6. The staff gauges/piezometers shall be installed in such a way that does not result in the clearing of BVW. Alteration of any vegetation within BVW is prohibited.
7. Staff gauges/piezometers must be installed by hand methods only.

#### **C. Erosion and Sediment Controls**

1. The dewatering discharge area shall be reviewed in the field by the RCC and/or their representative prior to conducting the pump test.
2. An emergency supply of stabilization devices including but not limited to straw wattles, jute netting, and straw bales shall be available in the event that erosion/scour is witnessed.
3. There shall be no discharge of silt or sediment laden water to wetland resource areas either directly or overland, regardless if the discharge is located outside of Areas Subject to Jurisdiction.

#### **D. During Pump Test**

1. The Contractor and any person involved in the activity that is the subject of this Order of Conditions (OOC) shall notify the Commission or its agent immediately upon discovery of any matter related to the OOC that may affect any area within the jurisdiction of the Commission including discovery of oil or hazardous materials.
2. The Commission reserves the right to impose additional Special Conditions as needed to protect the interests of Resource Areas at the Site as identified in the Act and the Bylaw.
3. Any debris that falls into the wetland area shall be removed immediately by hand. Any damage caused as a direct result of this project to any wetland resource area shall be the responsibility of the applicant to correct and repair. Sedimentation into any wetland resource area shall be considered damage. If there is any damage, the Commission shall be notified within 24 hours of observing the damage and shall be provided with an estimate of the damage and the proposed corrective actions.
4. No vehicle or other machinery refueling, lubrication, or maintenance shall take place within 50 feet of any wetland resource area. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be repaired immediately.
5. The pump tests shall adhere to the conditions set forth in the MassDEP letter of approval dated October 30, 2019.

6. Pump tests shall not occur between February 15<sup>th</sup> and June 1<sup>st</sup> of any given year in order to protect breeding vernal pool species from any potential drawdown effects.

#### **G. Post Pump Test**

1. All Conditions in the Order must be complied with prior to the issuance of a Final Certificate of Compliance. The request shall be accompanied with the following items:
  - a. A written statement by a professional engineer or land surveyor registered in the Commonwealth of Massachusetts certifying compliance with the Notice of Intent, the approved plans, and this OOC and setting forth what deviations exist, if any;
  - b. One set of As-Built full-sized plans and one half-sized format (approximately 11" x 17") PDF of the As-Built plans prepared by a registered professional engineer showing the locations of the wells and staff gauges/piezometers.
  - c. Submittal photographs depicting final Site conditions; and
  - d. A report describing the findings of the pump test and the analytical results of the required groundwater testing.

#### **H. Continuing Conditions**

The following conditions, at a minimum, shall not expire with the issuance of a final Certificate of Compliance and shall remain in effect in perpetuity.

N/A